

IV. Remarks.

The Examiner entered the following rejection.

1. Claims 1, 3, 6-8, 10-17, 19 and 20 are rejected under 35 USC 102(b) as being anticipated by Hayashi (JP 2-118252).

The analysis with respect to anticipation requires that a strict standard be satisfied. The standard extends beyond simply identifying elements in the reference that are then compared to the claim, it requires that every element be present arranged as in the claim.

Rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir.), cert. denied, 493 U.S. 853, 110 S.Ct. 154, 107 L.Ed.2d 112 (1989). An invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. Perkin-Elmer Corp v. Computervision Corp., 732 F.2d at 894, 221 USPQ at 673 (Fed.Cir.); Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 771-72, 218 USPQ 781, 789 (Fed.Cir.1983), cert. denied, 465 U.S. 1026, 104 S.Ct. 1284, 79 L.Ed.2d 687 (1984). The identical invention must be shown in as complete detail as is contained in the patent claim. Jamesbury Corp. v. Litton Industrial Products, Inc., 756 F.2d at 1560, 225 USPQ at 256 (Fed.Cir).

As to claim 1, the reference does not teach "the force imparting member *engaged with the electric actuator* whereby the force imparting member is axially moveable by the electric actuator" (emphasis added). Instead, Hayashi teaches that the force imparting member (16) is not engaged with the electric actuator (24). In operation arm (20) only pivots about pivot (19) by actuator (24). Pivot (3) moves through an arc about pivot (19). Actually, member (16) is disposed opposite actuator (24) on arm (20). They are not in contact. The linkage between these elements as proposed by the Examiner is too remote to support the rejection because two elements, arm (20) and arm (14), intervene between actuator (24) and member (16). Although arm (14) is borne upon arm (20), they move substantially independently; arm (20) pivoting solely in response to actuator (24), and arm (14) moving about pivot (3) in response to a belt load change. Hence, for the purpose of claim 1, member (16) is not *engaged with the electric actuator* (24).

Independent claims 7, 10, 12 include a limitation directed to a "toroid load sensor" which is not taught by Hayashi. The sensor (22) of Hayashi is not toroidal in any respect.

As to claim 19, Hayashi does not teach "computing a belt modulus using (L1), (L2), (P1), (P2)." This is consistent with allowed claim 23.

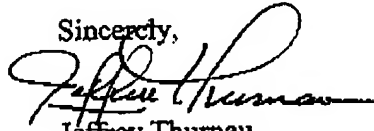
The remaining claims in the rejection depend from the foregoing independent claims. Applicant requests withdrawal of this rejection and allowance of all claims.

V. Fees

Any fees payable for this response, including any necessary to maintain pending status of the application, may be deducted from deposit account 07-0475 in the name of The Gates Corporation.

Thank you for your attention to this case.

Sincerely,



Jeffrey Thurnau
Attorney for Applicant
Reg. No. 42,183
303-744-4743

Date: Feb. 9, 2007